IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2094 OF 2007

Smt. Kishor Harinarayan Bajaj
and anr. ..Petitioners

vs.

Shri Satish Durgaprasad Sonakul ..Respondent

Mr. Mahesh Subramanyam i/by Mr. S.V.Pitre for petitioners.

CORAM: B.H. MARLAPALLE, J.

Date : March 29, 2007.

P.C.:

1. Heard the learned counsel for the petitioners. The impugned order passed by the learned Judge of the Small Causes Court at Pune rejecting the application at Exh.25 filed in Civil Suit No. 401 of 2005 for the appointment of the Court Commissioner would not call for interference, more so when the wall alleged to have collapsed is not a wall of the suit premises but the wall was behind the premises and on its collapse debris have accumulated as is claimed by the applicant himself.

2. Hence this petition under Article 227 of the Constitution is hereby rejected. However, if the applicant-defendant moves an application for carrying out repairs of the suit premises, the same will be considered on its own merits and without being influenced by the impugned order.

(B.H. Marlapalle,